

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BEN & JERRY'S HOMEMADE, INC.,  
CLASS I DIRECTORS OF BEN & JERRY'S  
INDEPENDENT BOARD,

*Plaintiffs,*

v.

UNILEVER PLC AND CONOPCO, INC.,

*Defendants.*

Case No. 1:24-cv-08641-PKC

**DEFENDANTS UNILEVER PLC'S AND CONOPCO, INC.'S NOTICE  
OF MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED COMPLAINT**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law in Support of Defendants Unilever PLC's and Conopco, Inc.'s ("Defendants") Motion to Dismiss Plaintiffs' Second Amended Complaint, Defendants hereby move this Court for an Order (a) dismissing the Second Amended Complaint ("SAC") in its entirety as brought in the name of Ben & Jerry's Homemade, Inc.; (b) dismissing the breach of contract claim (Count I) pursuant to Rule 12(b)(6), or, if Count I is not dismissed, dismissing the declaratory judgment claim (Count II) as duplicative of the breach of contract claim; (c) dismissing the declaratory judgment (Count II) as it relates to censorship of past posts because such a claim serves no useful purpose; (d) dismissing the second declaratory judgment claim regarding payments to Canaan Fair Trade (Count III) pursuant to Rule 12(b)(1); and (e) dismissing the third declaratory judgment claim regarding the Spin-Off and CEO removal (Count IV) pursuant to Rule 12(b)(1) or Rule 12(b)(6), and for such other and further relief as the Court deems just and appropriate.

Dated: April 25, 2025  
New York, NY

Respectfully submitted,

/s/ David J. Lender

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